

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Owners Insurance Company,)	C.A. No. 6:20-03187-HMH
)	
Plaintiff,)	OPINION & ORDER
)	
vs.)	
)	
Foxfield Commons, POA, Inc. d/b/a)	
Foxfield Commons, and Storm Team)	
Construction,)	
)	
Defendants.)	

This matter is before the court on Owners Insurance Company’s (“Owners Insurance”) motion for judgment on the pleadings or default judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. Defendant Storm Team Construction (“Storm Team”) accepted service of the summons and complaint on September 18, 2020, which required Storm Team to answer or otherwise plead by October 9, 2020. See Fed. R. Civ. P. 12(a)(1)(A). To date, Storm Team has not answered or otherwise pled. Owners Insurance requested entry of default on February 23, 2021. (Request Entry Default, ECF No. 16.) The Clerk entered default on February 23, 2021, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. (Entry of Default, ECF No. 17.)

In the complaint, Owners Insurance requests declaratory relief. Storm Team requested that Owners Insurance pay additional funds exceeding the \$217,576.56, that Owners Insurance has already paid for roof work performed as a result of Defendant Foxfield Commons, POA, Inc. d/b/a Foxfield Commons’ (“Foxfield Commons”) hail claim under Foxfield Commons’

insurance contract with Owners Insurance. (Compl., generally, ECF No. 1.) Owners Insurance submits that Storm Team is not entitled to any further payment on the hail claim at issue. Specifically, Owners Insurance contends that because Storm Team has failed and refused to provide the actual repair cost it expended, it has failed to show that the repair cost exceeded the \$217,576.56, that Owners Insurance has already paid. (Id. ¶ 40, ECF No. 1.) In addition, Owners Insurance submits that Storm Team is not entitled to an appraisal and has not shown any interest in the property. (Id.) Because it appears from the record that Storm Team has failed to timely answer, move, or otherwise plead in response to Owners Insurance's complaint after being properly served, and Foxfield Commons has no objection to the entry of default judgment, the court grants the Owners Insurance's motion for default judgment.

It is therefore

ORDERED that Owners Insurance does not owe Storm Team any additional funds with regard to the hail claim at issue and is not required to submit to an appraisal with Storm Team to determine the value of the hail loss.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
March 3, 2021